

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN GILLIS, *et al.*,

Plaintiffs,

- against -

JOHN W. WILHELM, *et al.*,

Defendants,

- and -

UNITE HERE,

Nominal Defendant.
-----X

DONALD R. TAYLOR, WILLIAM GRANFIELD, and
JANICE LOUX,

Counterclaimants,

-against-

BRUCE RAYNOR, *et al.*,

Counterclaim Defendants.
-----X

UNITE HERE INTERNATIONAL UNION,

Counterclaimant,

-against-

BRUCE RAYNOR, *et al.*,

Counterclaim Defendants.
-----X

ANSWER TO COUNTERCLAIMS ASSERTED UNDER 29 U.S.C. § 501(b)
BY DEFENDANTS TAYLOR, GRANFIELD AND LOUX

Counterclaim Defendants Bruce Raynor, Noel Beasley, Harold Bock, Gary Bonadonna, Clayola Brown, May Chen, Randi Farber, Mark Fleischman, Lynne Fox, John Gillis, Christine Kerber, Wilfredo Larancuent, David Melman, Edgar Romney, and William Towne, by their undersigned attorneys, for their answer to the “Verified Counterclaim Under 29 U.S.C. § 501(b),” state as follows:

1. To the extent an answer is called for, deny the allegations of paragraph 1.

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2.

3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4.

5. Deny the allegations of paragraph 5.

6. Deny the allegations of paragraph 6 and respond to each subparagraph as follows:

a. Admit the allegations of subparagraph a, except deny that the Chicago and Midwest Regional Joint Board is an affiliate of UNITE HERE.

b. Admit the allegations of subparagraph b, except deny that the Mid-Atlantic Regional Joint Board is an affiliate of UNITE HERE.

c. Admit the allegations of subparagraph c, except deny that the Rochester Joint Board is an affiliate of UNITE HERE.

d. Admit the allegations of subparagraph d, except deny that Clayola Brown tendered her resignation as an International Vice President of UNITE HERE on March 9, 2009.

e. Deny the allegations of subparagraph e, except admit that May Chen was an International Vice president of UNITE HERE until she tendered her resignation on March 9, 2009.

f. Deny the allegations of subparagraph f.

g. Deny the allegations of subparagraph g, except admit that Mark Fleischman is a director of the Amalgamated Bank, a trustee of the UNITE HERE National Retirement Fund, a director of 275 Seventh Avenue LLC, and Treasurer of 275 Seventh Avenue Building LLC.

h. Admit the allegations of subparagraph h, except deny that the Philadelphia Joint Board is an affiliate of UNITE HERE.

i. Deny the allegations of subparagraph i, except admit that that John Gillis is a trustee of the UNITE HERE National Retirement Fund and that, prior to March 9, 2009, he was an International Vice President of UNITE HERE.

j. Admit the allegations of subparagraph j, except deny that the Metropolitan Distribution and Trucking Joint Board is an affiliate of UNITE HERE.

k. Admit the allegations of subparagraph k, except deny that the Laundry Dry Cleaning and Allied Workers Joint Board is an affiliate of UNITE HERE.

l. Admit the allegations of subparagraph l, except deny that the Pennsylvania Joint Board is an affiliate of UNITE HERE.

m. Admit the allegations of subparagraph j, except deny that the New York Metropolitan Area Joint Board is an affiliate of UNITE HERE.

n. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of subparagraph n, except admit that Richard Rumelt is a director of the Amalgamated Bank and a trustee of the UNITE HERE National Retirement Fund.

o. Admit the allegations of subparagraph n, except deny that Local 169 is an affiliate of UNITE HERE.

7. To the extent an answer is called for, deny the allegations of paragraph 7, except admit that UNITE HERE is a labor organization representing employees in industries affecting commerce within the meaning of 29 U.S.C. § 152, and admit that venue is proper in this Court.

8. Deny the allegations of paragraph 8 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

9. Deny the allegations of paragraph 9 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

10. Deny the allegations of paragraph 10 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

11. Deny the allegations of paragraph 11 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

12. Deny the allegations of paragraph 12 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

13. Deny the allegations of paragraph 13 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

14. Deny the allegations of paragraph 14 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

15. Deny the allegations of paragraph 15 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

16. Deny the allegations of paragraph 16 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

17. Deny the allegations of paragraph 17 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

18. Deny the allegations of paragraph 18 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

19. Deny the allegations of paragraph 19 and respectfully refer the Court to the UNITE HERE Constitution for the terms thereof.

20. Deny the allegations of paragraph 20.

21. Deny the allegations of paragraph 21, except admit that the Joint Boards conducted votes of delegates and members to disaffiliate from UNITE HERE.

22. Deny the allegations of paragraph 22.

23. Deny the allegations of paragraph 23.

24. Deny the allegations of paragraph 24.

25. Deny the allegations of paragraph 25.

26. Deny the allegations of paragraph 26, except admit that some of the Counterclaim Defendants were formerly officers of UNITE HERE and that some of the Individual Counterclaim Defendants were formerly officers of affiliates of UNITE HERE.

27. Aver that no response is required to the allegations of paragraph 27 and respectfully refer the Court to the applicable federal statute for the terms thereof.

28. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of paragraph 28, and deny the allegations of the second sentence thereof.

29. Deny the allegations of paragraph 29.

30. Deny the allegations of paragraph 30.

31. Deny the allegations of paragraph 31 and respectfully refer the Court to the referenced document for the terms thereof.

32. Deny the allegations of paragraph 32.

33. Deny the allegations of paragraph 33.

34. Deny the allegations of paragraph 34.

35. Deny the allegations of paragraph 35 and respectfully refer the Court to the referenced document for the terms thereof.

36. Deny the allegations of paragraph 36 and respectfully refer the Court to the referenced document for the terms thereof.

37. Deny the allegations of paragraph 37.

38. Deny the allegations of paragraph 38.

39. Deny the allegations of paragraph 39.

40. Deny the allegations of paragraph 40.

41. Deny the allegations of paragraph 41.

42. Deny the allegations of paragraph 42.

43. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 43 and respectfully refer the Court to the referenced document for the terms thereof.

44. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 44 and respectfully refer the Court to the referenced document for the terms thereof.

45. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 45 and respectfully refer the Court to the referenced document for the terms thereof.

46. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 46.

47. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 47.

48. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 48.

49. Deny the allegations of paragraph 49 and respectfully refer the Court to the referenced document for the terms thereof.

50. Deny the allegations of paragraph 50 and respectfully refer the Court to the referenced document for the terms thereof.

51. Deny the allegations of paragraph 51.

52. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 52.

53. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 53.

54. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 54.

55. Deny the allegations of paragraph 55.

56. Deny the allegations of paragraph 56 and respectfully refer the court to the UNITE HERE Constitution for the terms thereof.

57. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 57 and respectfully refer the Court to the referenced document for the terms thereof.

58. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 58 and respectfully refer the Court to the referenced document for the terms thereof.

59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 59 and respectfully refer the Court to the referenced document for the terms thereof.

60. Deny the allegations of paragraph 60.

61. Deny the allegations of paragraph 61.

62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 62 and respectfully refer the Court to the referenced document for the terms thereof.

63. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 63 and respectfully refer the Court to the referenced document for the terms thereof.

64. Deny the allegations of paragraph 64.

65. Aver that no response is required to the allegations of paragraph 65 and respectfully refer the Court to the applicable federal statute for the terms thereof.

66. Deny the allegations of paragraph 66.

67. Deny the allegations of paragraph 67.

68. Deny the allegations of paragraph 68.

69. Deny the allegations of paragraph 69.

70. Deny the allegations of paragraph 70.

71. Deny the allegations of paragraph 71.

72. Repeat their responses to paragraphs 1 through 71 in response to the allegations of paragraph 72.

73. Deny the allegations of paragraph 73.

74. Repeat their responses to paragraphs 1 through 73 in response to the allegations of paragraph 74.

75. Deny the allegations of paragraph 75.

76. Repeat their responses to paragraphs 1 through 75 in response to the allegations of paragraph 76.

77. Deny the allegations of paragraph 77.

First Defense

78. The Counterclaims fail to state a claim upon which relief can be granted.

Second Defense

79. As a result of the conduct of Defendants, Defendants Taylor, Granfield and Loux are estopped from asserting that the UNITE HERE Constitution is binding on the Counterclaim Defendants.

Third Defense

80. As a result of the conduct of Defendants, the Counterclaims are barred by the doctrine of unclean hands.

Fourth Defense

81. The Counterclaims are barred by the doctrines of laches and waiver.

WHEREFORE, Counterclaim Defendants request that judgment be entered:

(A) Dismissing the counterclaims in their entirety, with prejudice;

(B) Awarding Counterclaim Defendants the costs and disbursements of this

action; and

(C) Awarding Counterclaim Defendants such other and further relief as the Court deems just and proper.

Dated: New York, New York
April 16, 2009

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